

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Preston Byron Knapp,

Case No. 23-cv-3219 (SRN/TNL)

Plaintiff,

v.

ORDER

Wings Financial Credit Union

Defendant.

On October 18, 2023, Plaintiff Preston Byron Knapp filed suit against Defendant Wings Financial Credit Union. ECF No. 1. A summons was issued as to Defendant the same day. ECF No. 2. As of the date of this Order, the record does not indicate that service of a summons and Complaint on Defendant have been effected.

Under the Federal Rules of Civil Procedure, “[a] summons must be served with a copy of the complaint. The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service.” Fed. R. Civ. P. 4(c)(1). Under Rule 4(m),

If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m). Upon review of the record in this case, it appears that more than 90 days have elapsed since the Complaint was filed and Defendant has not been served.

Accordingly, **IT IS HEREBY ORDERED** that: Plaintiff must show cause *in*

writing within 30 days as to why its claims should not be dismissed against Defendant for non-compliance with Federal Rule of Civil Procedure 4. Failure to comply with this Order may result in dismissal of this action against Defendant for failure to prosecute.

Date: January 29, 2024

s/ Tony N. Leung _____

Tony N. Leung
United States Magistrate Judge
District of Minnesota

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